

**Conservation Commission
Minutes of June 9, 2016
Public Hearings
Mashpee Town Hall
Waquoit Meeting Room**

Commissioners: Bradford R. Sweet, Ralph B. Shaw, Jr., Dale R. McKay, Mark N. Gurnee, John Rogers, and Louis DiMeo (Associate Member)

Staff Present: Drew McManus (Conservation Agent) and Judy Daigneault (Recording Secretary)

Call Meeting to Order: 5:55 p.m.

The meeting was called to order with a quorum by Chairman Brad Sweet at 5:55 p.m.

There was no public comment.

PRE/POST-HEARING AGENDA

Minutes: Approve May 26, 2016 Minutes

Motion: Mr. Rogers moved to approve the April 28 Minutes, seconded by Mr. McKay. Vote 5-0

Discussion: Coastline Drive bank stabilization project/golf course bank clearing

The Agent reviewed a response from Bayswater Development which reiterates what was recommended at the last meeting regarding the Coastline Drive bank stabilization project. New Seabury Properties and the Coastline Drive Association have agreed to the terms to help insure the long term functionality of their soft solution Coastal Bank Stabilization Project. They agreed to conduct 4 annual inspections per year due in January, April, July and October. These quarterly inspections will be presented in a report format submitted to the Mashpee Conservation Commission which will include:

Photographs of pre and post clean up.

A brief narrative including the date/time of inspection.

Name of inspector.

Summary of existing conditions.

A summary of the maintenance work, that took place.

A submission of an annual report due in April detailing the functionality of the project which will include photographs and the annual beach profiles.

Mark Gurnee wanted to include the amount of nourishment sand that is put down during these times and the Agent noted this is already included in the Order of Conditions. The Chair suggested rewording: "4 inspections per year on a quarterly basis" and before they put any additional sand down. Pre and Post pictures should be included. The Agent said they could take a picture of not only behind the piles, but the bank itself, to include that as part of the pre work photos. Pictures of the post work showing the debris or what they removed would also be included.

The Agent said the only thing that wasn't made clear is the post inspection of debris because it seemed unpredictable. He said the Board should get a more formal process to ensure better monitoring. It was decided this is a good start but the Commissioners would further review the Conditions. The Agent will take the comments back to Joe Colasuonno and have his board review it. This will be included on the next Commissioners' agenda to formalize it.

HEARINGS:

6:00 Town of Mashpee, (Applicant), 493-Beach Great Oak Road. Proposed alternate dredge site. Commonwealth of Massachusetts Department of Environmental Management – Owner of record. At request of applicant continued from 4/14/2016 to allow for NHESP review. Applicant requests additional continuance to July 14 @ 6:00 p.m.

The Agent said Natural Heritage was waiting for additional information from the Waquoit Bay Research Reserve before they submit their comments. They have now received the information. The Board will wait to hear from Natural Heritage before it proceeds because it is rare species habitat, piping plover and shorebird habitat.

Motion: Mr. McKay moved to continue the hearing at the applicants request to July 14 @ 6:00 p.m. Seconded by Mr. Rogers. Vote unanimous 5-0

6:03 Erin L. McSweeney, Trustee, 387 Monomoscoy Road. Proposed relocation of two piles and addition of float to existing licensed pier structure. At request of application continued from 5/26/2016 to allow time for revised plans. Applicant requests additional continuance to 6/23/2016 @ 6:06 p.m.

The Agent stated there was a violation issue on this property and Matt Costa, Cape & Islands Engineering, is working with the homeowners to bring it back into compliance. They can't go before the Commission until it is brought into compliance. There was deposition of sand in the backyard which was in very close proximity to the salt marsh. The homeowner was instructed to remove all sand from within 30 feet of the delineated salt marsh.

Motion: Mr. McKay moved to continue the hearing at the request of the applicant to June 23, 2016 at 6:06 p.m., seconded by Mr. Shaw. Vote unanimous 5-0

6:06 Mark and Allen Obrinsky, 226 Wheeler Road. Proposed construction of access stairway and terraced footpath. NOI

Resource Area: Buffer Zone to Freshwater Pond, Ashumet Pond, inland bank, bordering vegetated wetland

Jack Vaccaro, Vaccaro Environmental Consultants, represented the applicants. He explained the project involves the installation of a new pond access including a wooden staircase and crushed stone. The stone walkway will be limited to a four foot width and will be contained within timber landscape ties which will provide safe access to the water. He said the design will have approximately 34 steps. Currently there is a path that has been in place for a couple of years which is deteriorating and needs to be abandoned.

Mr. Vaccaro stated they will maintain good drainage and will build a framework with 6 by 6 steps that will be filled with stone and capped with permeable pavers. It is about a 22 foot drop from the top of the stairs to the bottom. He stated they would like to have a little bit of flexibility with the design. There is one tree in the way and they will move the access path slightly to avoid it. Mr. Vaccaro said he will meet with the Conservation Agent on site to go over the design.

The Agent said he has been out to the property a few times to meet with the engineer. It was explained the homeowners are elderly and the construction will make it easier for them to access the beach area. The bottom line is if the Commissioners approve the project, it can be conditioned that the project will reflect the final design and will not result in any adverse impacts to bank stability. The Agent said they have not received the letter from Natural Heritage but anticipates a letter of no take. If approved by the Commissioners, he will withhold the Order of Conditions until the NHESP letter is received.

No comments from the public

Motion: Mr. McKay moved to Close and Issue, seconded by Mr. Shaw. Vote unanimous 5-0

6:09 Peter Murner, Naukabout Beer Company, LLC (Applicant), 13 Lake Avenue. Proposed building and site renovations and vista pruning. (Sagamore Bridge Realty, LLC – Owner of Record)

Resource Area: Riverfront Area, Mashpee River, buffer zone to Inland Bank, Bordering Vegetated Wetland

Zachary Basinski, PE, Project Manager, Bracken Engineering, represented the applicant. He reviewed the site conditions. He said the applicant proposes to completely renovate the existing site including parking, storm water remediation, landscaping and the existing commercial building. The result will be a renovated building in the same footprint. The project is within Natural Heritage jurisdiction and a letter was received with a no take.

Mr. Basinski stated they have been working with the Town for over a year. They will do some slight grade changes in order to add a patio. There is no proposed runoff to leave the site. The septic system has passed the title V inspection. They are looking to do some vista pruning to improve site visibility at the entrance and are not looking to remove any trees, except for one tree near the building.

The Agent asked that the tree to be taken down be flagged before any action is taken. The Agent noted what is being proposed meets the performance standards in the outer and inner riparian zones. Parking lots will be seal coated and there is no adverse impact of what is being proposed.

No comments from the public.

Motion: Mr. McKay moved to Close and Issue, seconded by Mr. Shaw. Vote unanimous. 5-0

6:12 Paul J. Brady, Jr. and Susan M. Brady, 23 Cross Tree Way. After-the-fact filing. Mitigation of unauthorized vegetation clearance. NOI

Resource Area: LSCSF, Bordering Vegetated Wetland, Buffer Zone to Salt Marsh

Wayne Tavares, WET TECH LAND DESIGN, INC., represented the owner. He said the owner made a horrible mistake and he and the owner talked with the Agent on site. The Agent located approximately 14 stumps where approximately 14 trees had been taken down. (Some pines, cedars and oaks). He reviewed the planting list which included 88 trees and shrubs.

The Agent said this is a violation that was called in by a neighbor and when he went out he discovered that 14 trees were removed. When a violation of this sort occurs, the plantings should be more copious than what was removed. It is a quality type of situation. The Agent said the wildlife habitat of this area was completely wiped out and reviewed the species chosen for this area. If the Commission accepts this plan, it will also be accompanied by a 3 year monitoring program with a 90 per cent survival rate of all plants; any plants that expire must be replaced. Regulation 12 Mitigation requires the submission of annual reports from the hired consultant with specific protocols. Regulation 12 is very specific with planting and mitigation requirements. If the Commission approves, it can Condition the project under regulation 12. The Agent stated the basic goal is to fill in the site.

Mr. Tavares said the area is in a flood plain so he is trying to get these nursery grown plants out there to acclimate them to the salt water. He has had great success in the past. He said he may need irrigation for startup purposes.

The Agent said the responsibility falls on the consultant on behalf of the homeowner. The Commission reserves the right to add additional requirements in perpetuity for projects which is built into every Order of Conditions. The Agent referred to regulation 12 which stated the management plan may extend beyond three years if the Commission deems that the project has not met the monitoring goals in the first three years.

No comments from the public.

Motion: Mr. McKay moved to Close and Issue: the Conditions discussed with all the criteria in the mitigation regulation 12 shall be incorporated in this Order of Conditions, seconded by Mr. Shaw. Vote unanimous 5-0.

Update – Upper Quashnet Restoration Project

The Agent said he made a presentation to the Board of Selectmen to get their support on this project. He is in the process of filling out the responses to the Division of Ecological Restoration for their grant for monetary and/or technical assistance for river restoration projects which is due June 21. He will be drafting a letter of support from the Commissioners for their approval. He said cold water fisheries on the Cape are rapidly disappearing. Sea run brook trout are a unique species, the bulk of which their habitat is here in Mashpee, in the Quashnet River and Mashpee River and also In the Coonamesset River in Falmouth but mostly relegated to Mashpee and Falmouth. He spoke to Catherine Laurent DPW Director and will schedule a time to look at the John's Pond Fish Ladder.

He is hoping this portion could be handled sooner than later. It is becoming a situation where the maintenance is too much. The Assistant Agent is looking for potential funding for that aspect of the project. The other aspect of the fish ladder is something he would include in the larger project that involves river realignment and wetland restoration. The town engineer consultant has already looked at the erosion issue. The Agent will submit the draft letter for the Commissioners' review.

The Agent stated the Santuit Pond fish ladder needs to be addressed and he would also like to send a letter to Division of Marine Fisheries, as well as Natural Resources and Conservation Services, to address the issues. The frequency of fish passage is a nightmare because far too many herring get backed up. It is an unacceptable situation and needs to be dealt with. He will draft a letter and submit to the relevant parties. The Agent stated there isn't much room for adjusting the ladder because there are too many pools, they are not deep enough and there is too much turbulence from top to bottom. Fewer pools and greater depth would help the situation.

Motion: Mr. McKay moved to adjourn, seconded by Mr. Rogers. Vote unanimous 5-0.

Meeting Adjourned 7:20 p.m.

- **ADDITIONAL TOPICS**

(This space is reserved for topics that the Chairman did not reasonably anticipate would be discussed).